



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

October 17, 2018

Hand Delivery

Ms. Patricia A. Wieczorek, Owner
c/o Mr. Richard Farmer
2235-1/2 Napoleon Road
Fremont, Ohio 43420

Re: **2115 Hayes Avenue Property
Notice of Violation (NOV)
NOV
RCRA C - Hazardous Waste
Sandusky County
OHR000128918**

Hazardous Waste Program - DERR

Subject: FCI Notice of Violation / Partial Resolution of Violation

Dear Ms. Wieczorek and Mr. Farmer:

On October 31, and November 1, 2016, Ed Pulido from Ohio EPA, conducted a Focused Compliance Inspection of Triple J Towing & Recovery (TJT) located at 2115 Hayes Avenue Fremont, Ohio (Facility). As part of that inspection, Ohio EPA became aware of your ownership and previous involvement at the Facility. The goal of the inspection was to determine TJT's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and the rules adopted pursuant to ORC § 3734.12 found in Chapter 3745 of the Ohio Administrative Code (OAC). Ohio EPA sent a Notice of Violation letter to Mr. Ernie Howard, Operator of TJT, on November 10, 2016. Ohio EPA sent an NOV to you and Richard Farmer dated May 17, 2017, however, it was returned unclaimed. Ohio EPA also made several attempts to hand deliver the letter to you at various addresses without success.

On October 16, 2017, Ohio EPA received analytical results from a sampling event conducted by the United States Environmental Protection Agency (US EPA) at TJT. This sampling event was completed to determine the status of at least 75 drums of unknown waste at the facility.

Based on Ohio EPA's review of this data, the previous violation cited in the November 10, 2016, NOV, has been resolved and an additional violation has been determined. As owner of the property, you are responsible for addressing the following violations of Ohio's hazardous waste laws.

Resolved Violation

- 1. OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste, must determine if that waste is a hazardous waste.

As owner of the property, you failed to adequately evaluate unknown wastes in seventy-five containers being stored at TJT observed during the October 31, and November 1, 2016, inspection.

In the sampling results received from U.S. EPA, levels of PCBs greater than 50 parts per million were found in six of the drums of unknown waste as well as in two soil samples taken on the property. Additionally, the results demonstrated that four drums were determined to contain hazardous waste. All other drums remaining were determined to be used oil.

On October 16, 2017, Ohio EPA received analytical results that determined all of the wastes were properly evaluated. **Therefore, this violation has been resolved.**

New Violation

Based on the October 16, 2017, analytical results, Ohio EPA has determined that you have the additional following violation of Ohio's hazardous waste laws:

2. **ORC § 3734.02 (E) & (F) OAC Rules 3745-50-41(A) and 3745-50-45(A), Unlawful Storage of Hazardous Waste:** No person shall store, treat, or dispose of hazardous waste regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any permitted hazardous waste facility.

In addition, OAC rules 3745-50-41(A) and 3745-50-45(A) provide that Chapter 3734. of the ORC requires a permit for the "treatment", "storage", or "disposal" of any hazardous waste as identified or listed in Chapter 3745-51 of the Administrative Code.

Ohio EPA determined that you do not have a hazardous waste permit in violation of ORC § 3734.02 (E) & (F) and OAC rules 3745-50-41(A) and 3745-50-45(A).

You, as the owner of the property abandoned four drums of hazardous waste that were present on-site prior to TJT. Therefore, you established an unlawful hazardous waste storage facility by storing hazardous waste without first obtaining a hazardous waste facility installation and operation permit.

Ohio EPA removed the four hazardous waste containers and six PCB contaminated waste containers from the property on September 28, 2018. The hazardous waste containers were sent to a hazardous waste facility with a valid installation and operation permit, and the PCB contaminated waste containers were sent to a facility permitted to manage PCBs.

Since you have violated ORC § 3734.02(E) & (F) by establishing an unpermitted treatment, storage, or disposal facility (TSDF), you are subject to the closure and financial assurance requirements in OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97. Therefore, in the future, you may be required to submit a closure plan for the area(s) where the hazardous waste was being stored. A closure plan describes the steps necessary to investigate the extent of contamination and clean up all contamination found.

You are also subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as it has demonstrated that you have ceased operations as a TSDF. Additionally, at any time, Ohio EPA may assert its right to have you begin facility-wide cleanup, pursuant to the corrective action process under Ohio EPA's requirements.

3. **OAC rule 3745-279-22(D) Response to releases.** Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps: (1) Stop the release; (2) Contain the released used oil; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

You, as owner of the property, failed to properly respond to used oil releases. During the inspection on October 31, and November 1, 2016, used oil stained soils were observed by Ohio EPA around the property where used oil containers had previously been stored.

In order to resolve this violation, Ohio EPA recommends that you respond to the used oil releases on the property by cleaning up the visually oil stained areas. Once that is completed, Ohio EPA recommends that the soil be containerized and evaluated for hazardous waste characteristics and properly disposed off-site. Any soils determined to be contaminated with used oil containing PCBs at greater than 50 parts per million would be subject to regulation under 40 CFR Part 761, in lieu of Ohio's used oil rules. Ohio EPA recommends that you contact U.S. EPA's PCB contact for Region 5 at (312) 886-7890, for guidance on clean-up of PCB contaminated soils. To demonstrate compliance with this rule, documentation of clean-up, evaluation, and disposal of the used oil contaminated soils should be submitted to Ohio EPA.

Conclusion

The Ohio EPA requests that you promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and rules.

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Please be advised that violation cited above will continue until the violation has been properly resolved. Failure to comply with Chapter 3734. of the ORC and rules promulgated thereunder may result in an administrative or civil penalty.

The submission of any requested information in response to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 3734. of the ORC.

This NOV is only associated with the operations that were inspected or the documentation reviewed and does not constitute a waiver of potential violations not discovered.

Should you have any questions, please contact me at (419) 373-3114 or wendy.miller@epa.ohio.gov.

Sincerely,

A handwritten signature in black ink that reads "Wendy Miller". The signature is written in a cursive, flowing style.

Wendy Miller
Northwest District Office
Hazardous Waste Program
Division of Environmental Response and Revitalization

/mrf

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